

# TWENTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, Oct. 18, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

## REPORTS OF STANDING COMMITTEES.

Reports of Judiciary Committee:

COMMITTEE ROOM,  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 499, entitled "An act in relation to the change of venue in certain cases," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

M. H. BOWERS, Chairman *pro tem*.

Report read.

On motion of Senator Flanagan the rules were suspended to consider the report and bill. Bill read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bowers the rules were further suspended and Senate bill No. 499 read third time and passed.

COMMITTEE ROOM,  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 459, entitled "An act providing for the payment of the outstanding indebtedness of the counties, passed July 21, 1870," after careful consideration, instruct me to report the same back and recommend its reference to your Committee on Finance.

Respectfully,

M. H. BOWERS, Chairman *pro tem*.

Report read.

On motion of Senator Saylor, the rules were suspended to consider the report, and on further motion the report was adopted and Senate bill No. 459 referred to the Committee on Finance.

COMMITTEE ROOM, {  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 57, entitled "An act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas when one or more of the judges may be disqualified by having presided at the trial of such cases in the district court or from other causes," after careful consideration, instruct me to report the same back and recommend its passage, notwithstanding the veto of the Governor.

Respectfully,

M. H. BOWERS, Chairman *pro tem*.

Report read and laid over under the rules.

Report of Committee on Finance :

COMMITTEE ROOM, {  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Finance to whom was referred Senate joint resolution No. 44 entitled "Joint resolution for the relief of James H. Skinner sheriff of Henderson county Texas after careful consideration, instruct me to report the same back and recommend its passage."

Respectfully,

W. A. SAYLOR, Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM, {  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Finance, to whom was referred House bill No. 684, entitled "An act to provide for the payment of the late special judge of the Fifteenth Judicial District, and making an appropriation for the same," after careful consideration, instruct me to report the same back and recommend its reference to the Committee on Judiciary.

Respectfully,

W. A. SAYLOR, Chairman.

Report read.

On motion of Senator Saylor the rules were suspended to consider the report, and on further motion the report was adopted and House bill No. 684 referred to the Committee on Judiciary.

COMMITTEE ROOM, }  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 692, entitled "An act for the relief of William Seeger and E. B. Shields," after careful consideration, instruct me to report the same back and recommend its reference to the Committee on Private Land Claims.

Respectfully,

W. A. SAYLOR, Chairman.

Report read.

On motion of Senator Saylor, the rules were suspended to consider the report, and on further motion the report was adopted, and House bill No. 692 referred to the Committee on Private Land Claims.

11 o'CLOCK A. M.

The hour having arrived, the Senate proceeded to the consideration of the special order, Senate bill No. 395, "An act supplementary to, and amendatory of 'an act to provide for the registration of voters,' approved July 11, 1870."

Upon motion, the following amendments, reported by the Committee on State Affairs, were adopted, to-wit:

Amend section one, line twenty-seven [in printed copy line thirty-eight], add after the word "salaries" the following: "and to pay for books, blanks and stationery for said office."

Amend by inserting a new section known as section two: "That section six of said act shall hereafter read as follows: 'The supervisor of registration shall furnish the necessary books of record, blanks and stationery, and forward the same to each registrar in the State; but any registrar failing to receive such books, blanks and stationery three weeks prior to any general or special election, shall provide the necessary books, blanks and stationery for the registration of all voters at such elections at the expense of the treasury of the county, city or town in which such election is held.'"

Amend section two by changing the number of said section to section three.

Amend by changing section three to section four.

Amend by changing section four to section five; amend by striking out all of said section after the word "follows" in line two [in printed copy line three], and insert the following: "Registrars

shall receive the sum of six dollars per day for the number of days that he is required by law to keep open his books for registration (being days that he has actually kept such books open), such amount to be paid out of the State Treasury, on accounts approved by the supervisor of registration."

Amend section five by changing to section six.

Amend section six by changing to section seven, and strike out all of said section after the words "accounts of" in line two, and insert the following: "members of boards of appeals and revision shall be drawn upon the county Treasurer, who shall pay the same out of any money not otherwise appropriated; the accounts of registrars and boards of appeal and revision for their compensation, respectively, shall be sworn to by those officers."

Amend section seven by changing to section eight.

Amend section eight by changing to section nine.

Amend section nine by changing to section ten.

Senator Mills offered the following amendment, which was adopted:

Amend section one, line six, by inserting after the word "shall" the words "with advice and consent of the Senate."

Senator Saylor offered the following amendment: amend section one, lines thirty-four and thirty-five, by striking out the words "four thousand six hundred" and inserting the words "fifteen thousand."

Yeas and nays called for and amendment lost by the following vote:

Yeas—Mr. President, Baker, Flanagan, Ford, Gaines, Mills, Pettit, Rawson, Ruby, Saylor—10.

Nays—Bell, Bowers, Cole, Dohoney, Douglas, Evans, Hall, Hillebrand, Latimer, Pridgen, Pyle, Shannon, Tendick—13.

Senator Dohoney offered the following amendment: amend section one, line twenty-eight, by striking out the word "twenty-five" and inserting "twelve."

Yeas and nays called for and the amendment lost by the following vote:

Yeas—Bowers, Cole, Dohoney, Douglas, Evans, Latimer, Pettit, Pridgen, Pyle, Shannon—10.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Hall, Herzberg, Hillebrand, Mills, Rawson, Ruby, Saylor, Tendick—14.

Also, the following amendment: Section one, line 32, strike out "twelve" and insert "six."

Yeas and nays called for and amendment lost by the following vote:

Yeas—Bowers, Cole, Dohoney, Douglas, Evans, Latimer, Pyle, Shannon—8.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pettit, Pridgen, Rawson, Ruby, Tenlick—15.

Senator Bowers offered the following amendment, which was adopted: Amend section seven, lines two and three, by striking out the words "until registrars are appointed."

On motion of President Campbell, the further consideration of Senate bill No. 395 was postponed until to-morrow.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM, }  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 271, "An act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of Owensville."

G. T. RUBY, Chairman,  
For Committee.

Report read and received.

On motion of Senator Ruby, the Senate proceeded to the consideration of the veto message of his Excellency the Governor upon Senate bill No. 57, "An act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas when one or more of the judges may be disqualified by having presided at the trial of such cases in the district court, or from other causes."

Message and bill read.

Pending further consideration, a special message from the Governor by his Private Secretary, Mr. Britton, was announced as follows:

GOVERNOR'S OFFICE, }  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: I return to the Senate, where it originated, the act entitled "An act to regulate in part the receipt and disbursement of public money," and ask that same be reconsidered.

This act seems clearly to be in conflict with the provision of the latter part of section VI, article XII, of the Constitution. This provision was a part of the Constitution of 1845, and the financial history of the Republic of Texas shows that similar legislation of that period had been productive of so much evil that it was thought necessary by

constitutional enactment to prohibit it in the future. Aside, however, from any constitutional objection, the spirit of the act is contrary to good policy; it will only have the effect to encourage speculation in State warrants on the part of sheriffs as collectors of the taxes. The amount of Treasury warrants now outstanding being probably four times that of funds due the State from the sheriffs; these officers will, of course, purchase these warrants from holders at the best terms they can make and pay them into the Treasury in lieu of the money which they have received from taxpayers.

The remedy proposed in this act, for the present deficiency in the Treasury, is a make-shift which is not creditable to a State with so small a public debt as Texas, and at best can only afford very temporary relief. It is believed that the ordinary revenues from the present rate of taxation will soon be sufficient to meet all expenses of the State government and in the meantime any deficiency should be met by a sale of bonds at whatever they may be worth so that the State (and not her employes or creditors) may be the loser because of her failure to meet promptly her engagements.

Very respectfully,

EDMUND J. DAVIS, Governor.

Message read.

Consideration of veto message of the Governor on Senate bill No. 57, resumed.

The question being "will the Senate on reconsideration agree to pass the bill?"

Yeas and nays taken and the Senate on reconsideration refused to pass the bill (Senate bill No. 57) by the following vote:

Yeas—Baker, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Pyle, Saylor—9.

Nays—Flanagan, Ford, Hertzberg, Hillebrand, Latimer, Mills, Pettit, Pridgen, Rawson, Ruby, Shannon, Mr. President—12.

On motion of Senator Mills the Senate proceeded to the consideration of the veto message of the Governor upon Senate bill No. 437.

The question being "will the Senate on reconsideration agree to pass the bill?"

Yeas and nays called for and the Senate on reconsideration refused to pass the bill (Senate bill No. 437) by the following vote:

Yeas—Baker, Bowers, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Rawson, Saylor—13.

Nays—Mr. President, Bell, Flanagan, Latimer, Mills, Pettit, Pridgen, Pyle, Ruby, Shannon, Tendick—11.

Message from the House by the Chief Clerk, Mr. Gallant, informing the Senate that the House had agreed to Senate amendment.

to the following House bills: House bill No. 696, "An act to regulate the times of holding courts in the Eleventh Judicial District;" House bill No. 28, "An act to amend 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856."

Under direction of the President the Secretary was dispatched to the House with information that the Senate, upon reconsideration, had agreed to pass Senate bill No. 274, "An act for the relief of the heirs of Charles G. Bryant, deceased," and Senate bill No. 275, "An act for the relief of the heirs of Andrew Jackson Bryant, deceased," notwithstanding the objections of his Excellency the Governor thereto.

Also, informing the House that the Senate had passed without amendment: House bill No. 549, "An act to incorporate the Seyene Masonic Male and Female Institute;" House bill No. 746, "An act to incorporate the Texas, Land and Immigration Company;" and with amendment, House bill No. 298, "An act to incorporate the Germania Club of Brenham."

Also, for concurrence: Senate bill No. 494, "An act to incorporate the Star Water Works Company;" Senate concurrent resolution No. 9, "In relation to the protection of the public State buildings, archives and records against fire."

The President submitted the following report of the Secretary of the Senate, under a resolution of yesterday:

SENATE CHAMBER,  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: In obedience to the resolution of yesterday, I have the honor to enclose herewith a list of the Clerks and employes of the Senate, together with the occupation of, and rate *per diem* paid to each.

Very Respectfully,

C. M. CAMPBELL,  
Secretary of the Senate.

LIST OF CLERKS AND EMPLOYES OF THE SENATE.  
ON OCTOBER 18, 1871.

| <i>Name.</i>            | <i>How Employed.</i>                 | <i>Pay Per Diem.</i> |
|-------------------------|--------------------------------------|----------------------|
| C. M. Campbell.....     | Secretary.....                       | \$8 00               |
| A. R. Parsons.....      | 1st. Ass't Secretary.....            | 8 00                 |
| E. L. James.....        | 2d Ass't Secretary.....              | 8 00                 |
| H. Mordecai.....        | Calendar Clerk.....                  | 8 00                 |
| L. M. Bradley.....      | General Clerk.....                   | 8 00                 |
| J. E. Slater.....       | Journal Clerk.....                   | 8 00                 |
| Lewis Dobson.....       | Minute Clerk.....                    | 8 00                 |
| W. N. Bryant.....       | Engrossing Clerk.....                | 8 00                 |
| J. H. Traynham.....     | Ass't Engrossing Clerk.....          | 8 00                 |
| J. G. Collier.....      | Enrolling Clerk.....                 | 8 00                 |
| W. H. Kennedy.....      | Ass't Calendar Clerk.....            | 8 00                 |
| Geo. Williams.....      | Clerk Enrolling Committee.....       | 8 00                 |
| W. G. Thomas.....       | Clerk Judiciary Committee.....       | 8 00                 |
| T. P. Ochiltree.....    | Clerk Int. Imp. and Finance Com..... | 8 00                 |
| H. D. Benners.....      | Postmaster.....                      | 8 00                 |
| W. B. Johnston.....     | Sergeant-at-Arms.....                | 8 00                 |
| Thomas Powell.....      | Ass't Sergeant-at-Arms.....          | 7 00                 |
| Scipio Thompson.....    | Ass't Doorkeeper.....                | 7 00                 |
| W. M. Easton.....       | Ass't Doorkeeper.....                | 7 00                 |
| M. W. Baker.....        | Porter.....                          | 4 00                 |
| Henry Whitehead.....    | Porter.....                          | 4 00                 |
| Thomas Beck.....        | Porter.....                          | 4 00                 |
| Eli Green.....          | Porter.....                          | 4 00                 |
| Ephraim Mashack.....    | Porter.....                          | 4 00                 |
| Green Johnson.....      | Porter.....                          | 4 00                 |
| John Gooden.....        | Porter.....                          | 4 00                 |
| Henry Mitchell.....     | Page.....                            | 4 00                 |
| Charles Flanagan.....   | Page.....                            | 4 00                 |
| J. C. Illingsworth..... | Page.....                            | 4 00                 |
| Harry Howard.....       | Page.....                            | 4 00                 |
| William Hitzfeldt.....  | Page.....                            | 4 00                 |

Senator Pridgen moved to refer the report to a select committee of three. Carried.

The President appointed as such committee, Senators Pridgen, Flanagan and Pyle.

Senator Flanagan moved that the Senate after a recess of ten minutes go into Executive session. Carried.

So the Senate at 12:5 P. M. took a recess for ten minutes.

IN SENATE.

On motion of Senator Bowers, the Senate at 12:20 P. M. adjourned until 10:30 to-morrow.